

AN ACT TO ESTABLISH THE NATIONAL INSTITUTE FOR EDUCATIONAL PLANNING AND ADMINISTRATION AND FOR RELATED MATTERS, 2019 (HB. 1030).

ENACTED by the National Assembly of the Federal Republic of Nigeria —

PROVISION OF BILL	COMMITTEE'S RECOMMENDATION	REMARK
PART I — ESTABLISHMENT, ETC. OF THE NATIONAL INSTITUTE FOR EDUCATIONAL PLANNING AND ADMINISTRATION. Establishment, etc. of the National Institute for Educational Planning and Administration. 1. (1) There is hereby established a body to be known as the National Institute for Educational Planning and Administration (in this Bill referred to as "the Institute"). (2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.	Retained	
Objectives of the Institute. 2. The objectives of the Institute shall be to promote the study and practice of educational planning and administration in Nigeria and explore all relevant and available avenues, potentials and resources to make the Institute — (a) an active learning centre in skill acquisition in educational planning and administration; and (b) a national centre of excellence for capacity building for education planners and managers in the education sector.	Retained	
Establishment and membership of the Governing Council. 3. (1) There is hereby established for the Institute a Governing Council (in this Bill referred to as "the Council") which shall, subject to this Bill, have general control of the Institute. (2) The Council shall consist of — (a) a Chairman and four other members; (b) one representative each of the following — (i) the Federal Ministry of Education;	Retained	

(ii) the United Nation Educational and Scientific Organization country office in Nigeria; (iii) one person to represent the members of the academic staff of the Institute on rotation for one term at a time. (c) one person to represent the National Universities Commission; (d) the Director General of the Institute; and (e) the Registrar of the Institute shall be the Secretary to the Council. (3) The Chairman and members of the Council, other than ex-officio members, shall be appointed by the President. <i>First Schedule.</i> (4) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Council and other matters contained therein.		
Tenure of Office. 4. The Chairman and members of the Council, other than ex-officio members, shall each hold office — (a) for a term of four years in the first instance and may be re-appointed for one further term of four years and no more; and (b) or such terms and conditions as may be specified in his letter of appointment.	Retained	
Cessation of membership. 5. (1) Notwithstanding the provisions of section 4 of this Bill, a person shall cease to hold office as the Chairman or member of the Council if — (a) he becomes bankrupt, suspends payment or compounds with his creditors; (b) he is convicted of a felony or any offence involving dishonesty or fraud; (c) he becomes of unsound mind or is incapable of	Retained	

carrying out his duties; (d) he is guilty of a serious misconduct in relation to his duties; (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; (f) he resigns his appointment by a letter addressed to the President; or (g) he dies. (2) If a member of the Council ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Council for the unexpired term. (3) A member of the Council may be removed by the President on the recommendation of the Minister if he is satisfied that it is not in the interest of the Institute or the interest of the public for the member to continue in office.		
Emoluments, allowances, etc of members of the Council. 6. Members of the Council shall be paid such emoluments, remunerations and allowances as may be specified in their letters of appointment or as may be approved by the Federal Government from time to time.	Retained	
Functions of the Council. 7. The Council shall — (a) formulate the policies of the Institute and be charged with the general control of such policies, and of the finance and property of the Institute; (b) ensure that the Institute is staffed with persons possessing high communicative competence in the theory and practice of educational planning and administration and other professions; (c) ensure proper management of the assets of the Institute;	Retained	

(d) ensure effective organization of the Institute in accordance with the provisions of this Bill; (e) subject to this Bill, provide for the welfare and discipline of the staff of the Institute; and (f) perform such other duties as the President or the Minister may, from time to time, assign to it.		
PART II — FUNCTIONS AND POWERS OF THE INSTITUTE Functions of the Institute. 8. (1) The Institute shall — (a) serve as an inter-university centre to develop a critical mass of education sector planners and managers for the effective and efficient planning and management of the education system through capacity building: (i) continuous training, research and information dissemination; (ii) mandatory Postgraduate Diploma in Educational Leadership; (iii) Annual Professional Development Programme (APDP) leading to award of certificate, diploma and advanced diploma; (iv) providing practical and demonstrable internship for undergraduates and post graduate students of educational planning and administration for professionalism and award of certificate of participation; (v) development and implementation of programmes for in-service training, re-training and orientation of workers at all levels of the educational sector in Nigeria leading to award of certificates of attendance; (vi) extension services for tertiary levels of education in respect of personnel, classroom and residential accommodation and other available resources considered adequate by	Retained	

such needy institutions in educational planning and administration, ICT and related disciplines; (vii) enhance quality managers and administrators at all levels of education to Post Graduate Diploma in Educational Leadership (PGDEL). (b) hold out to all persons without distinction of race, creed, sex or political conviction, the opportunity of acquiring proficiency in the learning, teaching and application of both the theory and practice of educational planning and administration in the educational system in Nigeria; (c) develop appropriate modules to suit the needs of the various clientele of the Institute; (d) provide an ambience having all the socio-cultural, physical and psychological facilities, that will facilitate the learning of educational planning and administration through a carefully coordinated simulation process (including problem solving approach, demonstration, group syndicate discussions, field trips and interactive activities) that allow the participants to achieve the understanding, use and practice of educational planning and administration in the educational system in Nigeria; (e) serve as a centre for exchange of information, information gathering, processing, retrieval and dissemination on educational planning and administration; (f) promote research into the theory and practice (including the problems) of educational planning and administration in Nigeria; (g) promote the development and publication of materials in educational planning and administration; and (h) carry out such other activities as are necessary or expedient for the performance of its functions under this Bill.		
Powers of the Institute. 9. The Institute shall have power to:	Retained	

(a) coordinate the capacity building activities of education sector planners and managers; (b) establish such departments within the Institute as may, from time to time, be necessary or desirable; (c) award fellowships, scholarships, bursaries, medals, prizes and other forms of titles, distinctions and awards; (d) hold examinations and award in diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the Institute and have satisfied such other requirements as the Council may, from time to time, determine; (e) demand and receive from any student, clientele of the Institute or any other person attending the Institute for the purpose of instruction such fees as the Institute may, from time to time, determine; (f) acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property anywhere in Nigeria and elsewhere; (g) enter into contracts and establish trusts either solely or jointly with any other person, organisation employ or act through agents; (h) erect, provide, equip and maintain infrastructure or facilities necessary, suitable or convenient for the objectives of the Institute under this Bill; (i) hold public lectures, seminars, conferences and workshops and undertake the publication and sale of books and proceedings thereof; (j) give grants and gifts for any charitable purpose that is consistent with the functions of the Institute under this Bill; and (k) do any other thing which in its opinion will facilitate the performance of its functions under this Bill.		
PART III — DIRECTOR GENERAL, PRINCIPAL OFFICERS AND OTHER STAFF OF THE INSTITUTE Director-General, Principal Officers and Other Staff of the Institute.	Retained	

10. (1) Director-General/Chief Executive of the Institute
There shall be for the Institute a Director General who shall be

(a) appointed by the President, on the recommendation of the Minister;

(b) the chief executive and accounting officer of the Institute; and

(c) responsible for the execution of the policies and the day-to-day administration of the affairs of the Institute.

(d) the Director-General shall hold office in the first instance for a term of 5 years and may be re-appointed for a further term of 5 years and no more and on such terms and conditions as may be contained in his letter of appointment.

(2) The Institute Registrar

(a) There shall be for the Institute a Registrar, who shall be the Chief Administrative Officer of the Institute and shall be responsible to the Director-General for the day-to-day administrative work of the Institute.

(b) The person holding the office of the Registrar shall by virtue of that office be secretary to the Council, Board of studies.

(c) The Registrar shall hold office in the first instance for a term of 5 years and may be re-appointed for a further term of 5 years and no more.

(3) The Institute Bursar

(a) There shall be for the Institute a Bursar who shall be the Chief Financial Officer of the Institute and be responsible to the Director - General for the day-to-day administration and control of the financial affairs of the Institute.

(b) The Bursar shall hold office in the first instance for a term of 5 years and may be re-appointed for a further term of 5 years and no more.

(4) The Institute Librarian

(a) The Institute Librarian shall be responsible to the Director-General for the administration of the Institute library and the co-ordination of the library services in the Institute.

(b) The Institute Librarian shall hold office in the first instance

for a term of 5 years and may be re-appointed for a further term of 5 years and no more. (5) The Institute Director of Works There shall be for the Institute, a Director of Works, who shall be responsible to the Director General for the administration of the Works Department, and shall be responsible for all works, services and maintenance of the Institute's facilities. (6) All principal officers of the Institute except Director-General shall be appointed by the Council on the recommendation of the interview panel to be chaired by the Director-General.		
Other staff of the Institute. 11. The Council shall appoint for the Institute from time to time such other persons to assist the Director-General in the performance of the functions under this Bill.	Retained	
Conditions of service of the Institute. 12. The Institute shall operate as an inter-university centre of the Federal Ministry of Education and the salary and conditions of service of the employees of the Institute shall be as determined, from time to time, by the Federal Government and shall be in line with the University salary structures for both Teaching and Non -Teaching staff of the Institute: (i) Training and Research Professor; (ii) Assistant Training and Research Professor; (iii) Deputy Librarian.	Retained	
Pensions, Cap. 346 LFN. 13. (1) It is hereby declared that service in the Institute shall be approved service for the purposes of the Pensions Act, and accordingly, employees of the Institute shall be entitled to pension, gratuity or other retirement benefits in respect of that office. (2) Without prejudice to the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office. (3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Federal Government, other than the power to	Retained	

make regulations under section 23 thereof, is hereby conferred on and shall be exercisable by the Council and not by any other person or authority. <i>Second Schedule.</i> (4) A staff of the Institute, other than the Director-General, shall be removed from office in accordance with the provisions of the Second Schedule to this Bill.		
PART IV — ESTABLISHMENT OF THE BOARD OF STUDIES OF THE INSTITUTE, ETC. Establishment of the Board of Studies of the Institute, etc. 14. (1) There is hereby established for the Institute, a board to be known as the National Institute for Educational Planning and Administration Board of Studies (in this Bill referred to as "the Board of Studies") which shall, subject to the provisions of this Bill, be an integral part of the Institute. (2) The Board of Studies shall consist of — (a) the Director-General of the Institute who shall be the Chairman; (b) the Coordinator of Programmes; (c) the Head of Research Department; (d) the Head of Training Department; (e) the Head of Library Services; (f) the Head of ICT Department; (g) a representative each of: (i) Training Department, (ii) Research Department, (iii) Library Department, (iv) ICT Department. (3) The Director-General shall preside over all meetings of the Board of Studies and in his absence the coordinator of programme shall chair the meeting.	Retained	

(4) The Board of Studies shall meet on quarterly basis. (5) Subject to subsections (2) and (3) of this section, the Board of Studies shall regulate its own procedure.		
Functions of the Board of Studies. 15. The Board of Studies shall — (a) subject to this Bill, formulate, regulate and continuously evaluate the academic programmes of the Institute and determine the award of certificates and honours of the Institute; and (b) perform such other functions as the Council may, from time to time, assign to it.	Retained	
PART V — FINANCIAL PROVISIONS Funds of the Institute. 16. (1) The Institute shall establish and maintain a fund which shall be applied towards the discharge of its functions under this Bill. (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section: (a) any subvention or budgetary allocation from the Federal Government; (b) grants and subventions, TETFUND and other Non-Governmental Agencies, etc. (c) all monies raised for the purposes of the Institute by way of gifts, grants- in-aid or testamentary disposition to the Institute; (d) all subscriptions for fees and charges for services rendered by the Institute; (e) all interests received in respect of moneys invested by the Institute; (f) all other assets, from time to time, accruing to the Institute. (3) The Institute may, from time to time, apply the proceeds of the fund accruing to it pursuant to subsection (2) of this section to —	Retained	

(a) cost of administration of the Institute and of any research programme or body under the administration of the Institute; (b) provision of scholarships and other awards for the training of staff or employees of the Institute; (c) payment of salaries, fees or other remuneration, allowances, pensions and gratuities or superannuation payable to the Director -General and the staff and employees of the Institute; (d) maintenance of any property vested in the Institute; (e) all matters in connection with the functions of the Institute under this Bill.		
Power to borrow. 17. The Institute may, with the approval of the Minister or in accordance with the general authority given by the Federal Government, borrow by way of loan or overdraft from any source any moneys required by the Institute to meet its obligations and its functions under this Bill.	Retained	
Power to accept gift. 18. (1) The Institute may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift. (2) The Institute shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions of the Institute or the policy of the Federal Government.	Retained	
Investments, Cap. 449 LFN. 19. The Institute may, with the approval of the Minister, invest all or any of its funds in any security prescribed by the Trustee Investments Act or in such other securities or investments in accordance with the provisions of this Bill and in accordance with the conditions of any trust created in respect of any property or maintain a general reserve or otherwise utilize any surplus fund on such other securities as may, from time to time, be approved by the Minister.	Retained	

Exemption from tax. 20. The Institute shall be exempted from the payment of income tax on any income accruing from investments made by the Institute or otherwise.	Retained	
Annual estimates and accounts. 21. (1) The Institute shall, not later than 30th September in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Institute fund) for the next succeeding year. (2) The Institute shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.	Retained	
Annual report. 22. The Institute shall prepare and submit to the Minister not later than 30th June in each year a report in such form as the Minister may direct on the activities of the Institute during the immediate preceding year; and shall include in the report a copy of the audited accounts of the Institute for that year and of the auditor's report thereon.	Retained	
PART VI — MISCELLANEOUS PROVISIONS Limitation, suits, etc. 23. (1) No suit shall be commenced against the Institute in Court except the intending plaintiff or his agent gives the Institute one month written notice of intention to commence the suit. (2) The written notice under subsection (1) of this section shall be served on the Institute by the intending plaintiff or his agent and the notice shall explicitly state the: (a) cause of action; (b) particulars of claim or the grievance sought to be redressed; (c) name, particulars and official address of the intending plaintiff; and	Retained	

(d) relief which the intending plaintiff claims. (3) The written notice under subsection (1) of this section and any summons, notice or other document required or authorized to be served on the Institute under this Bill or any other law shall be addressed to the Director-General or send it by registered post at the head office of the Institute.		
Directives by the Minister. 24. The Minister may give to the Council or the Director-General such directives of a general nature or relating generally to matters of policy with regard to the exercise of its or his functions as he may consider necessary and it shall be the duty of the Council or the Director-General to comply with the directives or cause them to be complied with.	Retained	
Mandatory training for officers, etc in the educational sector and at the Institute. 25. (1) As from the commencement of this Bill, any officer, staff or employee in the management cadre who is newly employed, promoted or transferred into the educational sector of the public service of the Federation shall undertake training or orientation in educational planning and administration at the Institute for such period as the Minister may, from time to time, determine. (2) As from the commencement of this Bill, any officer or staff or other employee serving in the management cadre of the educational sector of the public service of the Federation shall undertake in-service training in educational planning and administration at the Institute once in every 3 years for such duration or for such intervals as the Minister may, from time to time, determine.	Retained	
Power to make regulations. 26. The Minister may, on the recommendation of the Council, make regulations for giving effect to the provisions of this Bill and without prejudice to the generality of the foregoing, shall provide in particular for: (a) the entry into and the type of courses and programmes approved for the Institute; (b) the duration of the courses and programmes; and	Retained	

(c) the certificates, if any, to be awarded by the Institute.		
Interpretation. 27. In this Bill, unless the context otherwise requires — "Board of Studies" means the board of studies of the Institute established under section 14 of this Bill; "Chairman" means the Chairman of the Council of the Institute; "Council" means the Governing Council of the Institute established under section 3 of this Bill; "fund" means the fund of the Institute established under section 16 of this Bill; "Institute" means the National Institute for Educational Planning and Administration established under section 1 of this Bill; "Institute clientele" includes students or other category of persons who participate or engage in any activity in the Institute or for whom the Institute carries out certain functions and responsibilities; "member" means a member of the Council and includes the Chairman; "Minister" means the Minister charged with responsibility for matters relating to education; "Director General" means the Chief Executive and Accounting Officer of the Institute.	Retained	
Short title. 28. This Bill may be cited as the National Institute for Educational Planning and Administration (Establishment) Bill, 2019.	Retained	
SCHEDULES FIRST SCHEDULE <i>Section 3 (4)</i> SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING COUNCIL OF THE INSTITUTE	Retained	

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Council shall be the Chairman and two-thirds of the other members and the quorum of any committee of the Council shall be as determined by the Council.

2. The Council shall, for the purpose of this Bill, meet eight times in each year and subject, thereto, the Council shall meet whenever it is summoned by the Chairman if required to do so, by notice given to him by not less than four other members, the Chairman shall summon a meeting of the Council to be held within 4 days from the date which the notice is given.

3. Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it thinks fit; but a person who is a member by virtue of this paragraph shall not be entitled to sitting allowance and to vote at any meeting of the Council and shall not count towards a quorum.

4. (1) The Council may appoint one or more committees to carry out, on its behalf such functions under this Bills as the Council may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Council as may be determined by the Council); and a person, other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by Council.

5. (1) The fixing of the seal of the Institute shall be authenticated by the signature of the Director General or of any other person authorized generally or specifically to act for that purpose by the Council or the Director General.

(2) Any contract or instrument, which if made or executed by a person not being a body corporate, would not be required to be under seal but may be made or executed on behalf of the Institute by the Director General or any person generally or specially authorized by the Council to act for that purpose by the Council.

6. The validity of any proceeding of the Council or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Council or of a committee, or by reason that a person not entitled to do so took part in the proceedings of the Council or committee. 7. (1) A member who is directly or indirectly interested in any matter being deliberated upon or considered by the council or is interested in any contract made or proposed to be made by the Council shall, as soon as possible after relevant facts have come to his knowledge, disclose the nature of his interest in writing or at a meeting of the Council.		
SECOND SCHEDULE <i>Section 13 (4)</i> SUPPLEMENTARY PROVISIONS RELATING TO REMOVAL AND DISCIPLINE OF STAFF OF THE INSTITUTE <i>Removal and Discipline of Senior Staff</i> 1. (1) If it appears to the Council that there are reasons for believing that a person employed as a member of the senior staff of the Institute, other than the Director General, should be removed from office on grounds of misconduct or inability to perform the functions of his office, the Council shall, through its appropriate committee — (a) give notice of those reasons to the person concerned; (b) afford him an opportunity of making representations on the matter to the Council in person; (c) if the person concerned or any three members of the Council so request, within the period of one month beginning with the date of the notice, make arrangements — (i) for the Senior Staff Appointments, Promotions and Disciplinary Committee of the Council or any ad-hoc Committee of the Council to investigate the matter and report on it to the Council, and (ii) for the person in question to be afforded an opportunity of appearing before and	Retained	

being heard by the investigating committee on the matter.

(2) The Director General, in a case of misconduct by a staff of the Institute which in the opinion of the Director General is prejudicial to the interest of the Institute, may suspend that member and the suspension shall forthwith be reported to the Council.

(3) The Council may suspend any staff or employee of the Institute from office or terminate his appointment for good cause and for the purpose of this subsection, "good cause" means —

(a) physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit for the discharge of the functions of his office;

(b) misconduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or

(c) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of the service.

(4) A person suspended pursuant to sub-paragraph (3) or (4) of this paragraph shall be placed on half pay and the Council shall before the expiration of a period of three months after the date of suspension consider the case against that person and come to a decision as to whether to —

(a) continue the suspension of the person in question and if so on what terms (including the proportion of his emoluments to be paid to him);

(b) reinstate the person in question to his office; in which case the council shall restore his full emoluments or entitlements to him with effect from the date of the suspension;

(c) terminate the appointment of the person in question in which case the person shall not be entitled to the proportion of his emolument withheld during the period of the suspension; or

(d) take such lesser disciplinary action against the person in question (including the restoration of the proportion of his emoluments that might have been withheld) as the Council may determine.

(e) subject to this paragraph, the Council shall, where it decides to take further disciplinary action against a person, come to a final determination in respect of the case concerning the person before the expiration of a period of three months from that decision.

(5) It shall be the duty of the Chairman who signed the instrument of removal by virtue of sub-paragraph (2) of this paragraph to serve or cause to be served on the person concerned, a copy of the instrument.

(6) Nothing in this paragraph shall prevent the Council from making such regulations for the discipline of other categories of employees and workers of the Institute as it may deem fit.

Discipline of Junior Staff

2. (1) Where a junior staff of the Institute is accused of misconduct or inefficiency, the Director General may suspend the staff in question for a period not more than three months and shall refer the matter to the Junior Staff Appointments, Promotion and Disciplinary Committee of the Management Board to —

(a) consider the case; and

(b) make recommendations as to the appropriate action to be taken by the Director General.

(2) In all cases under this paragraph, the person accused of any misconduct or inefficiency shall be informed in writing of the charges against him and be given reasonable opportunity to defend himself.

(3) The Director General may, after considering the recommendations made pursuant to sub-paragraph (1) (b) of this paragraph, dismiss, retire or downgrade the person in

question or terminate his employment.		
(4) A person aggrieved by the decision of the Director General under sub-paragraph (3) of this paragraph may within a period of 21 days from the date of the receipt of the letter, appeal to the Council to consider his case and the decision of the Council shall be final.		
EXPLANATORY MEMORANDUM	Retained	
The Bill seeks to establish the National Institute for Educational Planning and Administration to operate as an inter-university centre of the Federal Ministry of Education and provide, amongst other things, for its functions and other matters relating to Educational Planning and Administration in Nigeria.		